

# **Interagency Streamlining Agreement for Preparation of the Detroit River International Crossing Environmental Impact Statement**

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The Federal Highway Administration (FHWA) is committed to streamlining preparation of the Detroit River International Crossing (DRIC) Environmental Impact Statement (EIS). As the lead federal agency for the NEPA process, FHWA will ensure environmental protection through a coordinated decision-making process with other federal, state, and local agencies.

## **I. PURPOSE**

The purpose of this Streamlining Agreement (Agreement) is to establish a framework within which the exercise of the responsibilities associated with preparation and review of the DRIC EIS is efficient. This Agreement is designed to anticipate and avoid surprises and delays through collaboration.

This Agreement is neither a fiscal nor a funds-obligation document. The provisions of this Agreement do not replace, but are supplemental to, the Council on Environmental Quality (CEQ) regulations, (40 Code of Federal Regulations (CFR) Parts 1500-1508), and all other agency regulations, orders, and policies. It is in the interest of the participants in this Agreement, where independent but overlapping jurisdictional program responsibilities exist, that these responsibilities be addressed and fulfilled within a coordinated documentation and public involvement/decision-making process. But, in every case this document does not supersede, modify or abrogate any existing agreements between or among agencies to this agreement.<sup>1</sup>

## **II. AUTHORITY**

In accordance with the spirit and intent of interagency coordination directed by NEPA, Section 1309 of TEA-21 and consistent with Executive Order 13274, FHWA and participating agencies are authorized to enter into this Agreement.

## **III. KEY POINTS** The

Agreement involves commitments to:

1. Work concurrently with other resource agencies through the DRIC environmental analyses, while respecting each agency's mission, technical expertise, and statutory authority.

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<sup>1</sup> Specific reference is made to the "U.S. Coast Guard/Federal Highway Administration Memorandum of Understanding on Coordinating the Preparation and Processing of Environmental Documents," signed 6 May 1981, or the "Coast Guard/FHWA Procedures for Projects Which Require a Coast Guard Bridge Permit," signed 10 December 2001.

2. Set mutually agreed upon timeframes to fulfill each agency's role throughout the DRIC environmental review process.
3. Document mutually acceptable understandings reached at key points spaced throughout the environmental review process. The key points foreseen at the signing of this Agreement are:
  - Project Purpose and Need (2<sup>nd</sup> Quarter of 2005)
  - The ranges of Illustrative (2<sup>nd</sup> Quarter of 2005) and Practical Alternatives (4<sup>th</sup> Quarter of 2005) capable of achieving the Purpose and Need
  - Scoping Meeting (3<sup>rd</sup> Quarter of 2005) including Analysis Techniques (3<sup>rd</sup> and 4<sup>th</sup> Quarters of 2005)
  - Results of Key Environmental Studies (3<sup>rd</sup> and 4<sup>th</sup> Quarters of 2006)
  - Selection of the Preferred Alternative (4<sup>th</sup> Quarter of 2006)
  - Selection of the Recommended Alternative (2<sup>nd</sup> Quarter of 2007)
  - Mitigation Requirements (2<sup>nd</sup> and 3<sup>rd</sup> Quarters of 2007)
4. Agree not to revisit any key point(s) unless substantive information, substantial project changes, or changes to laws and regulations warrant reopening an agreed-upon consensus point. This recognizes that an agency's individual public notice may generate concerns in areas acted upon previously, but which may require additional discussion/analysis so that these concerns are adequately addressed and/or mitigated.
5. Address unresolved issues expeditiously to develop a collaborative problem-solving/issue-resolution framework. The framework will include reasons for initiating issue resolution processes, procedures, and timeframes.

A Key Point is defined as a milestone in the environmental review process that is best accommodated by a decision (or a non-decision) on a specific point. FHWA will work toward obtaining general agreement from the parties to this agreement at each Key Point. The parties to this agreement will execute at each Key Point the Form that is included in Attachment A.

The process to achieve general agreement will be as follows:

1. FHWA distributes or presents the issue in a document distributed to the parties to the Agreement.
2. FHWA requests a completed Key Point Agreement Form from each party to the Agreement on the Key Point.
3. Within thirty (30) calendar days, each party to the Agreement indicates whether or not it can agree to the Key Point. If the agency does not agree, written reasons for the disagreement will be provided to the FHWA.
4. Within 14 calendar days, FHWA will review the reasons for disagreement and where appropriate 1) revise the Key Point process described above; or 2) proceed to the next Key Point.

The decision to revisit a Key Point will only occur when FHWA or FHWA and any one more signatory of a Key Point Agreement Form request in writing to revisit the consensus issue because a) substantive new information has become available; b) there has been a substantive change to the proposed project; and c) conditions, laws and the regulations have resulted in a substantially different picture of social, economic or environmental impacts than those previously analyzed and/or described in Technical Reports and/or the Environmental Impact Statement.

***It is once again stressed that participating in a Streamlining Agreement for the DRIC Project does not imply endorsements of any aspects of the proposed DRIC Project. Nothing in this Agreement will diminish, modify, or affect the statutory or regulatory authorities of the agencies involved. And, it is recognized that each participating party's responsibilities under this Streamlining Agreement are subject both to the availability of each agency's funding and to all applicable statutory and regulatory provisions governing each agency.***

This Agreement may be executed in separate counterpart originals with separate execution pages for each of the participating agencies.

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Signatories
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James J. Steele

Division Administrator

Federal Highway Administration

Bharat Mathur

Acting Regional Administrator

U.S. Environmental Protection Agency

Donald P. Lauzon

District Engineer

U.S. Army Corps of Engineers –  
Detroit

Craig A. Czarnecki

Field Supervisor

U.S. Fish & Wildlife Service –  
East Lansing Field Office

J. David Hood

Assistant Regional Administrator

U.S. General Services Administration –  
Great Lakes Region

N . E .

District Commander

M p r a s

U.S. Coast Guard  
Chief, Office of Bridge Administration

Don Bathurst

Director, Field Operations-Detroit

U.S. Department of Homeland Security  
U.S. Customs & Border Protection

R o g e r F .

Assistant Secretary of State

N o r i e g a

U.S. Department of State  
Bureau of Western Hemisphere Affairs

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**Appendix A  
Sample Agency Key Point Form**

# **Interagency Streamlining Agreement for Preparation of the Detroit River International Crossing Environmental Impact Statement**

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Key Point: \_\_\_\_\_

Please check one:

☐ My signature indicates that

\_\_\_\_\_  
Agency Name

has achieved general agreement with the FHWA on the above Key Point.

☐ My signature indicates that

\_\_\_\_\_  
Agency Name

has no statutory authority with regard to this Key Point.

☐ My signature indicates that

\_\_\_\_\_  
Agency Name

has not achieved general agreement with the FHWA on the above Key Point for  
the following reasons:

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

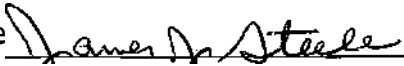
*Project: 18505*

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Bharat Mathur	
Acting Regional Administrator	U.S. Environmental Protection Agency
Donald P. Lauzon	
District Engineer	U.S. Army Corps of Engineers Detroit
Craig A. Czarnecki	
Field Supervisor	U.S. Fish & Wildlife Service East Lansing Field Office
J. David Hood	
Assistant Regional Administrator	U.S. General Services Administration — Great Lakes Region
N.E. Mpras	
Chief, Office of Bridge Administration	by direction of the Commandant, U.S. Coast Guard
Don Bathurst	
Director, Field Operations-Detroit	U.S. Department of Homeland Security U.S. Customs & Border Protection
<u>Roger F. Noriega</u>	
Assistant Secretary of State	U.S. Department of State Bureau of Western Hemisphere Affairs

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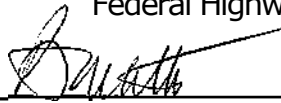
James J. Steele

Division Administrator

Federal Highway Administration



Thomas V. Skinner  
~~Regional Administrator~~



U.S. Environmental Protection Agency

Donald P. Lauzon

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District Engineer

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East Lansing Field Office

J. David Hood

Assistant Regional Administrator U.S. General Services Administration  
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N. E. Mpras

District Commander

U.S. Coast Guard  
Chief, Office of Bridge Administration

D o n B a t h u r s t

Director, Field Operations-Detroit U.S. Department of Homeland Security



U.S. Customs and Border Patrol

Roger F. Noriega

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Assistant Secretary of State

U.S. Department of State

Bureau of Western Hemisphere Affairs

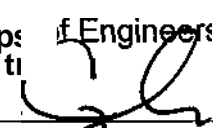
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Donald P. Lauzon	VJL
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District Engineer <u>Craig A. Czarnecki</u> Field Supervisor	U.S. Army Corps of Engineers Detroit Ac,ri DICIR I er Eour
J. David Hood Assistant Regional Administrator	U.S. Fish & Wildlife Service East Lansing Field Office
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<b>Donald P. Lauzon</b> District Engineer	<b>U.S. Army Corps of Engineers</b>
<b>Craig A. Czarnecki</b> Field Supervisor	 <b>U.S. Fish &amp; Wildlife Service</b> East Lansing Field Office
<b>J. David Hood</b> Assistant Regional Administrator	<b>U.S. General Services Administration —</b> Great Lakes Region
<b><u>N.E. Mpras</u></b> District Commander	<b>U.S. Coast Guard</b> Chief, Office of Bridge Administration
<b>Don Bathurst</b> Director, Field Operations-Detroit	<b>U.S. Department of Homeland Security</b> U.S. Customs & Border Protection
<b><u>Roger F. Noriega</u></b> Assistant Secretary of State	<b>U.S. Department of State</b> Bureau of Western Hemisphere Affairs

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J. David Hood	East Lansing Field Office
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Chief, Office of Bridge Administration	by direction of the Commandant, U.S. Coast Guard
Don Bathurst	
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**U.S. Environmental Protection Agency**

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Detroit**

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**U.S. Fish & Wildlife Service  
East Lansing Field Office**

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**Assistant Regional Administrator**

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Great Lakes Region**

**Chief, Office of Bridge Administration**

**U.S. Coast Guard  
By direction of the Commandant**

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**Don Bathurst**

**Director, Field Operations-Detroit**

**U.S. Department of Homeland Security  
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<u>N.E. Mpras</u> Chief, Office of Bridge Administration  Representing	by direction of the Commandant, U.S. Coast Guard
Executive Director, Asset Management Office of Finance	U.S. Department of Homeland Security U.S. Customs & Border Protection
<u>Roger F. Noriega</u> Assistant Secretary of State	U.S. Department of State Bureau of Western Hemisphere Affairs

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by direction of the Commandant,  
U.S. Coast Guard

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Chief, Office of Bridge Administration

Renee M. Smoot

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Executive Director  
Office of Finance

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Terry A. Breese

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Director, Office of Canadian Affairs

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